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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/650,834	05/28/96	WREN	5 WR-6

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EXAMINER
GROTT, P

ART UNIT	PAPER NUMBER
2761	5

DATE MAILED: 12/31/97

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

*See attached after action*

# Office Action Summary

Application No.

08/650,834

Applicant(s)

Wren

Examiner

Groutt, Phillip

Group Art Unit

2761



☒ Responsive to communication(s) filed on Oct 20, 1997

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 6-9 is/are pending in the application.

Of the above, claim(s)          is/are withdrawn from consideration.

☐ Claim(s)          is/are allowed.

☒ Claim(s) 6-9 is/are rejected.

☐ Claim(s)          is/are objected to.

☐ Claims          are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on          is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on          is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number)         

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received:         

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s).         

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

*PG*

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

### DETAILED ACTION

1. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection. Examiner also takes note of arguments presented in applicant's affidavit, but likewise considers them moot in view of the new grounds of rejection.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6-9 rejected under 35 U.S.C. 103(a) as being unpatentable over Interactive Media and Marketing, "Advertising Age," V66, I2, 1/9/95, pp. 22, 24 (hereafter Interactive), in view of Netscape Communications Incorporated Navigator Software.

A. Claim 6 teaches a system for marketing products and services over a communications network. Interactive also teaches such a system. Interactive does not give specific details of means for storage or transmission, however, Examiner asserts that all features claimed in claim 6 are obvious in view of Interactive and the state of the art at the time of the invention. Examiner takes official notice that it was well known at the time of invention in the computer arts that web server computers stored graphics, text, audio and video information for download by users. Such servers are necessarily connected to some communications means,

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either via a high speed dedicated line, or modem. Furthermore, remote users are known to have their own communications means for completing the connection to the server computer, as well as necessary computer hardware and software for viewing the aforementioned media. In fact, the web client, such as Netscape Communications Navigator Browser (circa early 1995), coupled with an Internet Service Provider (ISP) which communicates by computer modem, provides well known means for connecting remotely to server databases and downloading various digital information. It is in this context that the Examiner makes his rejection.

Interactive does not explicitly teach that the remote customer has computerized communications facility having electronic computing equipment adapted to receive and download graphics, audio, and data. However, in the system taught by Interactive, it is obvious that users would have such facility. Interactive teaches that sponsors provide pictures, weather updates, sound, graphics, and video files. This strongly suggests that at least some remote users have the ability to download and receive such files. Thus it is obvious that equipment adapted to receive and download said media is a part of the system. If users did not have such equipment there would be no motivation to provide such media for download on users web sites. The fact that it was provided suggests that it was well known for users to have the capability to download and receive such media. Furthermore, given the popularity of the world wide web as an interactive multimedia environment, and the known capabilities of multimedia configured personal computers, it would have been obvious at the time of the invention to claim that remote users would have the capability to view such media.

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Interactive also teaches that by connecting to the sponsor's domain, there is a database which is available for access by remote users containing computerized graphics, audio, and text. "...Opens with a stream-of-consciousness bit of cyberfiction, followed by three icons leading to information about Zima, e-mail and Tribe Z, a loyalty club. Lots of sounds, graphics, video files to play with." These files would necessarily be stored in a database so that they could be served to remote users on demand.

Interactive teaches that the central domain server computers can transmit graphics, audio, and data to remote users, therefore means for doing so must exist, as well as means for the remote users to link to said central computer.

Interactive does not explicitly teach that the remote user has input means, however Examiner asserts that it was well known that users of personal computers have input means for entering the uniform resource locator of the desired site to connect to, as well as clickable input means for selecting hypertext links and invoking download transfers. Such input means, comprising at least a mouse and keyboard was known to be a part of personal computer systems at the time of the invention. Furthermore, the other possible input means claimed by applicant, specifically touch screen and voice input were also well known input means at the time of the invention.

Interactive further teaches means enabling a remote customer to download graphics audio and data as discussed above.

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Finally, Interactive teaches means enabling the central server computer to transmit in response to requests, narrated presentations consisting of features and comparisons. On the download content and features of several commercial web sites, Interactive says, "Pictures of ships and cabins, weather updates, lists of departure dates, and times, rate information and cruise itineraries...Information on 18 Club Med resorts, clickable map to locate destinations, downloadable QuickTime movies." QuickTime is a multi-platform multimedia architecture used by software tool vendors and content creators to create and deliver synchronized graphics, sound, video, text and music. Thus providing these animations for download, containing information and video on Club Med resorts clearly meets the limitations of the claims.

B. As to claims 7 and 8, they state that the voice used in the computer system of claim 6 is either synthesized voice or digitized voice. Examiner asserts that it was well known at the time of the invention that voice, sounds, or music, are either create artificially, hence synthesized, or are created by digitizing real analog sounds, using a microphone and a computer sound card or other digital recording device. In either case, in order to put sounds or voices on a computer system for download and playback, they must be in a digital form. Both synthesizing the sound or voice from digital sounds, or digitizing analog sounds or voices were both well known methods of creating digital audio for placement on placing sounds on a computer network or computer readable storage medium at the time of the invention.

C. As to claim 9, it states that means are included for linking the remote computerized facility (users computer with modem) with a plurality of central computerized communications

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facilities enabling a customer to connect with a second different central computerized communications facility after having been connected with a first central computerized communications facility. Examiner asserts that this is obvious in view of what was known about the Internet at the time of the invention as well as the known capabilities of web compliant browsers. When connecting to the Internet via a modem and an ISP it is possible to connect to a plurality of central domain servers computers systems. Either simultaneous or serial connection to said computers is possible. Thus this limitation imparts no patentable distinction.

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

a shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip Groult whose telephone number is (703) 306-2906. The examiner can normally be reached on Mondays to Fridays from 9:00 to 5:30.

6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gail Hayes, can be reached on (703) 305-9711. The fax phone number for this Group is (703) 308-5357.

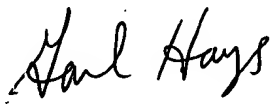
7. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to whose telephone number is (703) .

Phillip Groult



December 30, 1997

  
**GAIL O. HAYES**  
**SUPERVISORY PATENT EXAMINER**  
**GROUP 2100**